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§ 621. Congressional declaration of purpose

The Congress declares that it is essential—

- (1) to assure effective congressional control over the budgetary process;
- (2) to provide for the congressional determination each year of the appropriate level of Federal revenues and expenditures;
- (3) to provide a system of impoundment control;
- (4) to establish national budget priorities; and
- (5) to provide for the furnishing of information by the executive branch in a manner that will assist the Congress in discharging its duties.

(Pub. L. 93-344, § 2, July 12, 1974, 88 Stat. 298.)

CODIFICATION

Section was formerly classified to section 1301 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, § 1, Sept. 13, 1982, 96 Stat. 877.

EFFECTIVE DATE

Section 905 of Pub. L. 93-344 provided that:

“(a) Except as provided in this section, the provisions of this Act [see Short Title note below] shall take effect on the date of its enactment [July 12, 1974].

“(b) Title II [enacting sections 601 to 603 of this title and repealing section 571 of former Title 31] (except section 201(a) [section 601(a) of this title]), section 403 [section 653 of this title], and section 502(c) [repealed] shall take effect on the day on which the first Director of the Congressional Budget Office is appointed under section 201(a) [section 601(a) of this title].

“(c) Except as provided in section 906 [set out as a note under section 632 of this title], title III [subchapter I of this chapter] and section 402 [section 652 of this title] shall apply with respect to the fiscal year beginning on October 1, 1976, and succeeding fiscal years, and section 401 [section 651 of this title] shall take effect on the first day of the second regular session of the Ninety-fourth Congress.

“(d) The amendments to the Budget and Accounting Act, 1921, made by sections 601, 603, and 604 [amending section 11 of former Title 31] shall apply with respect to the fiscal year beginning on July 1, 1975, and succeeding fiscal years, except that section 201(g) of such Act [section 11(g) of former Title 31] (as added by section 601) shall apply with respect to the fiscal year beginning on October 1, 1976, and succeeding fiscal years and section 201(i) of such Act [section 11(i) of former Title 31] (as added by section 601) shall apply with respect to the fis-

cal year beginning on October 1, 1978, and succeeding fiscal years. The amendment to such Act made by section 602 [amending section 11(b) and (c) of former Title 31] apply with respect to the fiscal year beginning on October 1, 1976, and succeeding fiscal years.”

SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97-108, §1, Dec. 23, 1981, 95 Stat. 1510, provided: “That this Act [amending section 653 of this title and enacting provisions set out as notes under section 653 of this title] may be cited as the ‘State and Local Government Cost Estimate Act of 1981.’”

SHORT TITLE

Section 1(a) of Pub. L. 93-344, as amended by Pub. L. 104-130, §4(a), Apr. 9, 1996, 110 Stat. 1211, provided that: “This Act [enacting chapters 17, 17A and 17B, and section 190a-3 of this title, and sections 11a, 11c, 11d, and 1020a of former Title 31, amending section 105 of Title 1, General Provisions, sections 190b and 190d of this title, and sections 11, 665, 701, 1020, and 1151, 1152, 1153, and 1154 of former Title 31, repealing sections 66 and 81 of this title, and sections 571 and 581c-1 of former Title 31, and enacting provisions set out as notes under sections 190a-1, 621, 632, and 682 of this title, section 105 of Title 1, General Provisions, and 1020 of former Title 31] may be cited as the ‘Congressional Budget and Impoundment Control Act of 1974’. Titles I through IX may be cited as the ‘Congressional Budget Act of 1974’. Parts A and B of title X [enacting subchapters I and II of chapter 17B of this title] may be cited as the ‘Impoundment Control Act of 1974’. Part C of title X [enacting subchapter III of chapter 17B of this title] may be cited as the ‘Line Item Veto Act of 1996.’”

Pub. L. 93-344, title V, §500, as added Pub. L. 101-508, title XIII, §13201(a), Nov. 5, 1990, 104 Stat. 1388-609, provided that: “This title [enacting subchapter III of this chapter] may be cited as the ‘Federal Credit Reform Act of 1990.’”

FINANCIAL SAFETY AND SOUNDNESS OF GOVERNMENT-SPONSORED ENTERPRISES

Pub. L. 101-508, title XIII, §13501, Nov. 5, 1990, 104 Stat. 1388-628, provided that:

“(a) DEFINITION.—For purposes of this section, the terms ‘Government-sponsored enterprise’ and ‘GSE’ mean the Farm Credit System (including the Farm Credit Banks, Banks for Cooperatives, and Federal Agricultural Mortgage Corporation), the Federal Home Loan Bank System, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, and the Student Loan Marketing Association.

“(b) TREASURY DEPARTMENT STUDY AND PROPOSED LEGISLATION.—

“(1) The Department of the Treasury shall prepare and submit to Congress no later than April 30, 1991, a study of GSEs and recommended legislation.

“(2) The study shall include an objective assessment of the financial soundness of GSEs, the adequacy of the existing regulatory structure for GSEs, the financial exposure of the Federal Government posed by GSEs, and the effects of GSE activities on Treasury borrowing.

“(c) CONGRESSIONAL BUDGET OFFICE STUDY.—

“(1) The Congressional Budget Office shall prepare and submit to Congress no later than April 30, 1991, a study of GSEs.

“(2) The study shall include an analysis of the financial risks each GSE assumes, how Congress may improve its understanding of those risks, the supervision and regulation of GSEs’ risk management, the financial exposure of the Federal Government posed by GSEs, and the effects of GSE activities on Treasury borrowing. The study shall also include an analysis of alternative models for oversight of GSEs and of the costs and benefits of each alternative model to the Government and to the markets and beneficiaries served by GSEs.

“(d) ACCESS TO RELEVANT INFORMATION.—

“(1) For the studies required by this section, each GSE shall provide full and prompt access to the Secretary of the Treasury and the Director of the Congressional Budget Office to its books and records and other information requested by the Secretary of the Treasury or the Director of the Congressional Budget Office.

“(2) In preparing the studies required by this section, the Secretary of the Treasury and the Director of the Congressional Budget Office may request information from, or the assistance of, any Federal department or agency authorized by law to supervise the activities of a GSE.

“(e) CONFIDENTIALITY OF RELEVANT INFORMATION.—

“(1) The Secretary of the Treasury and the Director of the Congressional Budget Office shall determine and maintain the confidentiality of any book, record, or information made available by a GSE under this section in a manner consistent with the level of confidentiality established for the material by the GSE involved.

“(2) The Department of the Treasury shall be exempt from section 552 of title 5, United States Code, for any book, record, or information made available under subsection (d) and determined by the Secretary of the Treasury to be confidential under this subsection.

“(3) Any officer or employee of the Department of the Treasury shall be subject to the penalties set forth in section 1906 of title 18, United States Code, if—

“(A) by virtue of his or her employment or official position, he or she has possession of or access to any book, record, or information made available under and determined to be confidential under this section; and

“(B) he or she discloses the material in any manner other than—

“(i) to an officer or employee of the Department of the Treasury; or

“(ii) pursuant to the exception set forth in such section 1906.

“(4) The Congressional Budget Office shall be exempt from section 203 of the Congressional Budget Act of 1974 [2 U.S.C. 603] with respect to any book, record, or information made available under this subsection and determined by the Director to be confidential under paragraph (1).

“(f) REQUIREMENT TO REPORT LEGISLATION.—(1) The committees of jurisdiction in the House shall prepare and report to the House no later than September 15, 1991, legislation to ensure the financial soundness of GSEs and to minimize the possibility that a GSE might require future assistance from the Government.

“(2) It is the sense of the Senate that the committees of jurisdiction in the Senate shall prepare and report to the Senate no later than September 15, 1991, legislation to ensure the financial safety and soundness of GSEs and to minimize the possibility that a GSE might require future assistance from the Government.

“(f) [sic] PRESIDENT’S BUDGET.—The President’s annual budget submission shall include an analysis of the financial condition of the GSEs and the financial exposure of the Government, if any, posed by GSEs.”

MULTIYEAR AUTHORIZATIONS AND 2-YEAR APPROPRIATIONS FOR SELECTED AGENCIES AND ACCOUNTS

Pub. L. 100-119, title II, §201, Sept. 29, 1987, 101 Stat. 784, provided that: “It is the sense of the Congress that the Congress should undertake an experiment with multiyear authorizations and 2-year appropriations for selected agencies and accounts. An evaluation of the efficacy and desirability of such experiment should be conducted at the end of the 2-year period. The appropriate committees are directed to develop a plan in consultation with the leadership of the House and Senate to implement this experiment.”

FINANCIAL MANAGEMENT REFORM

Pub. L. 100-119, title II, §203, Sept. 29, 1987, 101 Stat. 784, provided that: “It is the sense of the Congress that

the Congress should undertake a coordinated effort to identify problems and develop specific recommendations to reform the financial management systems of the United States Government, including consideration of the use of generally accepted accounting principles.”

EXERCISE OF CONGRESSIONAL RULEMAKING POWER

Section 904 of Pub. L. 93-344, as amended by Pub. L. 99-177, title II, § 271(a), Dec. 12, 1985, 99 Stat. 1094; Pub. L. 101-508, title XIII, §§ 13112(a)(11), 13208(a), Nov. 5, 1990, 104 Stat. 1388-608, 1388-619; Pub. L. 104-130, § 4(c), Apr. 9, 1996, 110 Stat. 1212, provided that:

“(a) The provisions of this title (except section 905) and of titles I, III, IV, V, and VI (except section 601(a)) and the provisions of sections 701, 703, [sic] 1017, 1025, and 1027 [enacting this chapter (except section 665(a) of this title) and sections 190a-3, 688, 691d, and 691f of this title, amending the Rules of the House of Representatives and the Standing Rules of the Senate, and sections 190b and 190d of this title, and enacting provisions set out as notes under sections 190a-1 and 632 of this title] are enacted by the Congress—

“(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

“(b) Any provision of title III or IV [enacting subchapters I and II of this chapter] may be waived or suspended in the Senate by a majority vote of the Members voting, a quorum being present, or by the unanimous consent of the Senate.

“(c) WAIVER.—Sections 305(b)(2), 305(c)(4), 306, 904(c), and 904(d) [sections 636(b)(2), (c)(4) and 637 of this title and subsecs. (c) and (d) of this note] may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn. Sections 301(i), 302(c), 302(f), 310(d)(2), 310(f), 311(a), 313, 601(b), and 606(c) of this Act [sections 632(i), 633(c), (f), 641(d)(2), (f), 642(a), 644, 665(b), and 665e(c) of this title] and sections 258(a)(4)(C), 258A(b)(3)(C)(i), 258B(f)(1), 258B(h)(1), 258B(h)(3), 258C(a)(5), and 258C(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 [sections 907a(a)(4)(C), 907b(b)(3)(C)(i), 907c(f)(1), (h)(1), (3), and 907d(a)(5), (b)(1) of this title] may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(d) Appeals in the Senate from the decisions of the Chair relating to any provision of title III or IV [enacting subchapters I and II of this chapter] or section 1017 [enacting section 688 of this title] shall, except as otherwise provided therein, be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, concurrent resolution, reconciliation bill, or rescission bill, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under sections 305(b)(2), 305(c)(4), 306, 904(c), and 904(d) [sections 636(b)(2), (c)(4) and 637 of this title and subsecs. (c) and (d) of this note]. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under sections 301(i), 302(c), 302(f), 310(d)(2), 310(f), 311(a), 313, 601(b), and 606(c) of this Act [sections 632(i), 633(c), (f), 641(d)(2), (f), 642(a), 644, 665(b), and 665e(c) of this title] and sections 258(a)(4)(C), 258A(b)(3)(C)(i), 258B(f)(1), 258B(h)(1), 258B(h)(3), 258C(a)(5), and 258C(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 [sections 907a(a)(4)(C), 907b(b)(3)(C)(i), 907c(f)(1), (h)(1), (3), and 907d(a), (b)(1) of this title].”

ACT REFERRED TO IN OTHER SECTIONS

The Congressional Budget Act of 1974 is referred to in sections 907a, 907b, 907c, of this title; title 7 section 1446c-1; title 22 sections 2717, 2718, 4715; title 50 App. sections 1989b-8, 1989c-7.

The Congressional Budget and Impoundment Control Act of 1974 is referred to in section 907a of this title; title 16 sections 544f, 1606; title 22 sections 2295b, 5857; title 42 section 11303.

§ 622. Definitions

For purposes of this Act—

(1) The terms “budget outlays” and “outlays” mean, with respect to any fiscal year, expenditures and net lending of funds under budget authority during such year.

(2) BUDGET AUTHORITY AND NEW BUDGET AUTHORITY.—

(A) IN GENERAL.—The term “budget authority” means the authority provided by Federal law to incur financial obligations, as follows:

(i) provisions of law that make funds available for obligation and expenditure (other than borrowing authority), including the authority to obligate and expend the proceeds of offsetting receipts and collections;

(ii) borrowing authority, which means authority granted to a Federal entity to borrow and obligate and expend the borrowed funds, including through the issuance of promissory notes or other monetary credits;

(iii) contract authority, which means the making of funds available for obligation but not for expenditure; and

(iv) offsetting receipts and collections as negative budget authority, and the reduction thereof as positive budget authority.

(B) LIMITATIONS ON BUDGET AUTHORITY.—With respect to the Federal Hospital Insurance Trust Fund, the Supplementary Medical Insurance Trust Fund, the Unemployment Trust Fund, and the railroad retirement account, any amount that is precluded from obligation in a fiscal year by a provision of law (such as a limitation or a benefit formula) shall not be budget authority in that year.

(C) NEW BUDGET AUTHORITY.—The term “new budget authority” means, with respect to a fiscal year—

(i) budget authority that first becomes available for obligation in that year, including budget authority that becomes available in that year as a result of a reappropriation; or

(ii) a change in any account in the availability of unobligated balances of budget authority carried over from a prior year, resulting from a provision of law first effective in that year;

and includes a change in the estimated level of new budget authority provided in indefinite amounts by existing law.

(3) The term “tax expenditures” means those revenue losses attributable to provisions

¹ So in original. Probably should be “as”.